



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 3551-99
27 July 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 July 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board did not accept your contentions that you did not suffer from asthma prior to enlisting in the Marine Corps, and had not received medical treatment for that condition, as they are belied by the evidence of record. In this regard, it noted that you were evaluated at Recruit Sick Call on 2 May 1990, and reported that you had a history of asthma "all of" your life, and of "using all kinds of asthma medication", to include Proventil and Slobid. You indicated that you had not informed the physicians at the Military Entrance and Processing Station of that history for fear that you would be disqualified from service. You voluntarily disclosed your history of asthma on 2 May 1990 because you had an asthma attack after completing a run. The fact that you did not demonstrate any objective signs of asthma when examined approximately nine years after you were discharged from the Marine Corps was not considered probative of error or injustice in your case. The Board concluded that either you suffered from asthma prior to enlisting in the Marine Corps, or you fabricated a history of that condition in order to procure your discharge. In either case, there would be no basis for granting your request for correction of your record. Accordingly, your application has been denied. The names and votes of the members of the panel will be

furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director